

07-05-01

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# UTILITY PATENT APPLICATION TRANSMITTAL

Submit an original and a duplicate for fee processing  
(Only for new nonprovisional applications under 37 CFR 1.53(b))

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Attorney Docket No. 01-026-A  
First Named Inventor Ali Akgun  
Express Mail No. EK917564898US  
Total Pages

## APPLICATION ELEMENTS

1. ☒ Transmittal Form with Fee
2. ☒ Specification (including claims and abstract) [Total Pages 61]
3. ☒ Drawings [Total Sheets 8]
4. ☒ Oath or Declaration [Total Pages 3]
  - a. ☐ Newly executed
  - b. ☐ Copy from prior application  
[Note Boxes 5 and 17 below]
    - i. ☐ Deletion of Inventor(s) Signed statement attached deleting inventor(s) named in the prior application
5. ☒ Incorporation by Reference: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Code Listing (See 1.96)
  - a. ☐ Microfiche Appendix
  - b. ☐ CD-Rom (in duplicate, with separate transmittal)
7. ☐ Nucleotide and/or Amino Acid Sequence Submission
  - a. ☐ Computer Readable Copy
  - b. ☐ Paper Copy
  - c. ☐ Statement verifying above copies
8. ☐ Small Entity Status
  - ☐ is claimed
  - ☐ Statement filed in prior application; status still proper and desired
  - ☐ is no longer claimed.

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers
10. ☒ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)
  - ☐ PTO-1449 Form
  - ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)
16. ☒ A Request for non-publication pursuant to 35 USC 122(b)(2)(B)(i)
17. ☐ Other:

18. ☒ This is a CONTINUING APPLICATION. Please note the following:

- a. ☒ This is a ☐ Continuation ☐ Divisional ☒ Continuation-in-part of prior application 09/792,366 filed February 23, 2001 .
- b. ☐ Cancel in this application original claims of the prior application before calculating the filing fee. (At least one claim must remain.)
- c. ☒ Amend the specification by inserting before the first line the sentence:  
This is a ☐ continuation ☐ divisional ☒ continuation-in-part of application Serial No. 09/792,366 filed February 23, 2001.
- d. ☒ The prior application is assigned of record to 3Com Corporation.

## UTILITY PATENT APPLICATION TRANSMITTAL

Attorney Docket No. 01-026-A

## APPLICATION FEES

BASIC FEE				\$ 710.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	27 -20=	7	x \$18.00	\$ 126.00
Independent Claims	7 - 3=	4	x \$80.00	\$ 320.00
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable			+\$270.00	\$ 0
Total of above calculations =				\$ 1156
Reduction by 50% for filing by small entity =				\$( )
<input type="checkbox"/> Assignment fee if applicable			+ \$40.00	\$
TOTAL =				\$ 1156

19. ☒ Please charge my Deposit Account No. 13-2490 in the amount of \$446.0020. ☒ A check in the amount of \$710 is enclosed.

21. The Commissioner is hereby authorized to credit overpayments or charge any additional fees of the following types to Deposit Account No. 13-2490:

- a. ☒ Fees required under 37 CFR 1.16.
- b. ☒ Fees required under 37 CFR 1.17.
- c. ☒ Fees required under 37 CFR 1.18.

22. The Commissioner is hereby generally authorized under 37 CFR 1.136(a)(3) to treat any future reply in this or any related application filed pursuant to 37 CFR 1.53 requiring an extension of time as incorporating a request therefor, and the Commissioner is hereby specifically authorized to charge Deposit Account No. 13-2490 for any fee that may be due in connection with such a request for an extension of time.

## 23. CERTIFICATE OF MAILING

I hereby certify that, under 37 CFR § 1.10, I directed that the correspondence identified above be deposited with the United States Postal Service as "Express Mail Post Office to Addressee," addressed to the Asst. Commissioner for Patents, Box Patent Application, Washington, DC 20231, on the date indicated below.

## 24. USPTO CUSTOMER NUMBER

\*20306\*

20306

PATENT TRADEMARK OFFICE

McDonnell Boehnen Hulbert &amp; Berghoff

## 25. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name	Thomas A. Fairhall
Reg. No.	34,591
Signature	<i>Thomas A. Fairhall</i>
Date	July 2, 2001

UTIL (Rev. 11/21/00)

UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 01-026-A)

In re Application of: )  
Ali Akgun, et al. ) Group Art Unit: not assigned  
Serial No.: TBD ) Examiner: not assigned  
Filed: herewith )  
For: Communication of Packet Arrival Times to )  
Cable Modem Termination System )  
And Uses Thereof )

NONPUBLICATION REQUEST PURSUANT TO 35 U.S.C. § 122(b)  
and 37 C.F.R. § 1.213

Commissioner of Patents  
Washington, DC 20231

Dear Sir:

Applicants hereby request that the above-identified application filed herewith not be published under 35 U.S.C. § 122(b). This request is being submitted upon the filing of the above-reference application.

The applicants hereby certify that the invention disclosed in this application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

This certification and request for not publishing the application is made without prejudice to the invocation of the rescission provisions of 37 C.F.R. § 1.213(b).

Respectfully Submitted,

McDonnell Boehnen Hulbert & Berghoff

Date: July 2, 2001

By: Thomas A. Fairhall  
Thomas A. Fairhall  
Reg. No. 34,591